IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 82 OF 2006
IN
CONTEMPT PETITION NO. 278 OF 2002

Pratapnagar No.: 1 Co-op.Hsg.Soc.
Ltd. & Ors. ...Petitioners
V/s.
Prataprai Nandlal Kothari ...Respondent
And
Smt.Kaumudiben Prataprai Kothari & Ors. ...Respondents

Shri O.P. Tiwari for Petitioners.

CORAM : A.M. KHANWILKAR, J.

DATED : JULY 25, 2006

P.C. :-

. None appears. Dismissed for non-prosecution.

. Later on, Counsel for the applicant mentioned the matter pointing out that at the relevant time he was busy in another Court. For the reason mentioned by the applicant, order dismissing application for default is recalled and the application is restored to file and is heard forthwith.

. It is noticed that initially the Registry had calculated limitation period and noted that the

application is barred by 41 days. However, in the fresh report submitted, the Registry has accepted that the earlier noting was wrong. As there is no delay in filing the application, application, in the ordinary course, ought to have been placed before the Registrar. However, the application has been placed before the Court in the above circumstances.

. As application is in time, the same is allowed in terms of prayer clause (a). Amendment in the main petition be carried out within one week from today failing which the main petition shall stand dismissed for non-prosecution.

(A.M. KHANWILKAR, J.)